



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,993	09/09/2004	Edwin Nun	258014US0PCT	1951
22850 7590 12/19/2006 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER O HERN, BRENT T	
			ART UNIT	PAPER NUMBER
			1772	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/506,993

Applicant(s)

NUN ET AL.

Examiner

Brent T. O'Hern

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 1-16 are pending with claims 1-10 non-elected.

WITHDRAWN OBJECTIONS

2. The objection to claims 11-16 of record in the Office Action mailed 17 August 2006, page 2, paragraph 2, have been withdrawn due to Applicant's amendment of claim 11 in the Paper filed 7 November 2006.

WITHDRAWN REJECTIONS

3. The rejection to claims 11-14 and 16 under 35 U.S.C. 102(b) as being anticipated by Huffer et al. (US 6,783,807) of record in the Office Action mailed 17 August 2006, page 2, paragraph 3, have been withdrawn due to Applicant's amendment in the Paper filed 7 November 2006.
4. The rejection to claim 15 under 35 U.S.C. 103(a) as being unpatentable over Huffer et al. (US 6,783,807) in view of Baumann et al. (US 6,800,354) of record in the Office Action mailed 17 August 2006, page 4, paragraph 4, have been withdrawn due to Applicant's amendment in the Paper filed 7 November 2006.

NEW REJECTIONS

Claim Rejections - 35 USC § 102

5. Claims 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Huffer et al. (US 6,783,807).

Art Unit: 1772

Regarding claim 11, Huffer ('807) teaches a molding comprising at least one surface having self-cleaning properties (*col. 3, ll. 53-55, col. 6, ll. 1-7, col. 4, ll. 20-22 and col. 9, ll. 57-61*) and surface structures with elevations (*col. 3, ll. 65-66*).

The phrase "wherein the molding is produced by: accreting primary particles to form microparticles, wherein said microparticles have hydrophobic properties and said microparticles comprise agglomerates or aggregates of from 0.2 to 100 μm , applying the microparticles to the inner surfaces of a mold, molding a molding composition, wherein the molding composition comprises at least one material comprising organic compounds and said molding composition is in softened or molten form, and thermally shaping the molding composition in the mold, and solidifying the molding composition to obtain the molding, wherein not more than 90% of the diameter of at least 50% of the microparticles are impressed into the surface of the molding which has not yet solidified, said microparticles are firmly held by the molding to anchor said microparticles into the molding after the molding is solidified, said molding has elevations formed by the microparticles and said molding has at least one surface having self-cleaning properties" in claim 11, lines 3-19 are **process limitations** in a product claim and hence not given any patentable weight since patentability of a product does not depend on its method of production (*see MPEP § 2173.05(p)*).

Regarding claim 12, Huffer ('807) teaches a molding wherein the elevations have an average height of from 20 nm to 25 μm (*col. 3, ll. 65-66*) and an average separation of from 20 nm to 25 μm (*col. 3, ll. 66-67*).

Regarding claim 13, Huffer ('807) teaches a molding wherein the elevations have an average height of from 50 nm to 4 μ m (*col. 3, ll. 65-66*) and/or an average separation of from 50 nm to 4 μ m (*col. 3, ll. 66-67*).

Regarding claim 14, Huffer ('807) teaches a molding wherein the molding comprises microparticles and the microparticles are selected from the group consisting particles of silicates, minerals, metal oxides, metal powders, silicas, and mixtures thereof (*col. 4, ll. 6-12*).

Regarding claim 16, Huffer ('807) teaches a molding wherein the molding is a three-dimensional article selected from the group consisting of vessels, bottles, storage vessels, drums, measuring beakers, tanks and discharge aids (*col. 8, ll. 30-40*).

Claim Rejections - 35 USC § 103

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huffer et al. (US 6,783,807) in view of Baumann et al. (US 6,800,354).

Huffer ('807) teaches the product discussed above, however, fails to expressly disclose wherein the product comprises impressed particles and the impressed particles are anchored with from 10 to 90% of their average particle diameter within the surface of the product.

However, Baumann (354) teaches self-cleaning particles on a substrate with a height of 0.5 to 15 μ m (*col. 5, ll. 13-17*) which are anchored (*col. 4, ll. 23-27, embedded, thus anchored*), forming a layer with thickness of 5-1,000 nm (*col. 8, ll. 29-39*), which would obviously be anchored by at least 10% of the particle diameter for the purpose of providing a self-cleaning article (*col. 2, ll. 66-67*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to modify Huffer's ('807) structure with a self-cleaning surface wherein the particles are embedded by at least 10% of their diameter as taught by Baumann (354) in order to provide an article with a self-cleaning surface.

ANSWERS TO APPLICANT'S ARGUMENTS

7. In response to Applicant's argument (*p. 7, para. 5 of Applicant's Paper filed 7 November 2006*) that Huffer's ('807) disclosed materials are not the same as the claimed materials, it is noted that Applicant did not precisely address any claimed structural limitations that Huffer ('807) does not teach.

8. In response to Applicant's statement (*p. 8, para. 2 of Applicant's Paper filed 7 November 2006*) that Baumann ('304) cannot compensate for Huffer's ('807) deficiencies, it is noted that Applicant did not precisely address any of Applicant's claimed structural limitations.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 1772


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Brent T O'Hern
Examiner
Art Unit 1772
December 14, 2006


NASSER AHMAD
PRIMARY EXAMINER 12/14/06